

Remarks

Rejection Under 35 U.S.C. § 112 ¶ 1

All the pending claims stand rejected for lack of enablement because the claims “do not exclude *in vivo* applicability for enablement purposes.” Advisory Action at page 2. Claims 49-51 have been canceled. The following remarks address the remaining claims.

Applicants thank Examiner Gibbs for a helpful telephone interview held June 12, 2007. During the interview it was agreed that deleting the term “biological” and describing the recited sample as “isolated” would obviate the rejection. Applicants have made the agreed-upon amendments. “Biological” has been deleted from independent claims 1, 22, 52, 59, and 62. Independent claims 1, 9, 22, 52, 59, and 62 have each been amended to recite “isolated” from rather than “obtained” from to clarify that the methods are performed *ex vivo*. Support for the *ex vivo* performance of the claimed methods can be found throughout the specification. For example:

- “In a clinical trial, for example, tumor cells can be isolated from ovarian tumors removed by surgery, and RNA prepared and analyzed by Northern blot analysis or Taqman RT-PCR as described herein.” Page 56, lines 25-27.
- “Such samples include, but are not limited to, tissue isolated from humans, mice, and rats.” Page 22, lines 22-23.
- “The present invention therefore provides, in one aspect, methods for diagnosing a cancer or tumor in a mammalian tissue by measuring the levels of hepsin mRNA expression in samples taken from the tissue of suspicion, and determining whether hepsin is overexpressed in the tissue.” Page 44, lines 24-26.

Please withdraw the rejection.

Amendments to claim 22

Applicants have made a minor, clarifying amendment to claim 22, to recite that both recited samples comprise the same type of tissue. The amendment raises no new issues and does not require a new search.

Respectfully submitted,
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